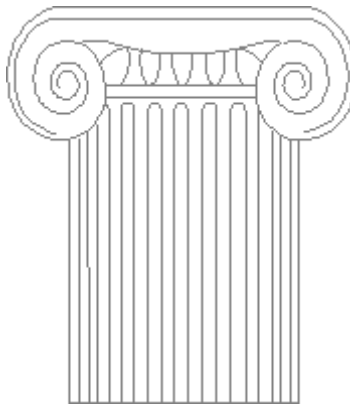


UNITED STATES
BANKRUPTCY APPELLATE PANEL
OF THE TENTH CIRCUIT
LOCAL RULES

WITH FORMS

EFFECTIVE MARCH 16, 1998

Includes phone number change of February 1, 2001.



UNITED STATES BANKRUPTCY APPELLATE PANEL

OF THE TENTH CIRCUIT

OFFICE OF THE CLERK

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**LOCAL RULES
UNITED STATES BANKRUPTCY APPELLATE
PANEL OF THE TENTH CIRCUIT**

Effective March 16, 1998

Local Rule 8001-1. Notice of Appeal

(a) Appeals to the United States Bankruptcy Appellate Panel of the Tenth Circuit. All appeals from bankruptcy courts in the Tenth Circuit in districts which have authorized appeals pursuant to 28 U.S.C. § 158(b)(6) are to the United States Bankruptcy Appellate Panel of the Tenth Circuit unless an election is made under section **(d)** of this rule.

(b) Appealed Order or Judgment. The appellant must file a notice of appeal and must attach to the notice of appeal a filed stamped copy of the bankruptcy court order or judgment from which the appeal is taken. *See* 10th Cir. BAP L.R. Appendix A, Form 1.

(c) Signing Notice of Appeal. Every notice of appeal must be signed by counsel for the appellant or, if unrepresented by counsel, each appellant must sign personally. *See* 10th Cir. BAP L.R. Appendix A, Form 1.

(d) Election to Have Appeal Heard in District Court. An appellant's election to have the appeal heard in district court pursuant to 28 U.S.C. § 158(c)(1) must be stated clearly in a separate pleading which must be filed with the clerk of the bankruptcy court at the same time that the notice of appeal is filed. Any other party electing to have the appeal heard in the district court must serve and file with the clerk of the bankruptcy appellate panel a separate pleading clearly stating the election no later than 30 days after service of the notice of appeal. *See* 10th Cir. BAP L.R. Appendix A, Form 2.

(e) Cross Appeal. A party's initial election under 28 U.S.C. § 158(c)(1) is binding on cross appeals by that party from the same order or judgment, unless otherwise ordered by the court.

Local Rule 8001-2. Entry of Appearance, Certificate of Interested Parties, and Oral Argument Statement

(a) Entry of Appearance. Within 10 days after service of notice that the appeal has been docketed with this court pursuant to Fed. R. Bankr. P. 8007(b) and 10th Cir. BAP L.R. 8007-1(c), counsel for the parties, or a pro se party, must file with the clerk of the bankruptcy appellate panel written appearances in substantially the form prescribed by 10th Cir. BAP L.R. Appendix A, Form 3. Notwithstanding the foregoing requirements, attorneys who authorize their names to appear on papers filed with the clerk of the bankruptcy appellate panel have entered an

appearance. Following entry of appearance, attorneys are responsible for the contents of all papers filed in their names. No attorney who has appeared in a case before the court may withdraw without an order of the court.

(b) Certificate of Interested Parties.

(1) *Certificate.* Each entry of appearance must be accompanied by a certificate listing the names of all parties to the litigation not revealed by the caption of the notice of appeal so the judges may evaluate possible disqualification or recusal. *See* 10th Cir. BAP L.R. Appendix A, Form 3.

(2) *List.* The certificate must list all persons, associations of persons, firms, partnerships, corporations, guarantors, insurers, affiliates, or other legal entities that are financially interested in the outcome of the litigation. For corporations, *see* Fed. R. App. P. 26.1.

(3) *Generic Description.* An individual listing is not necessary if a large group of persons or firms can be specified by a generic description.

(4) *Attorneys.* Attorneys not entering an appearance in this court who have appeared for any party in the bankruptcy court case or proceeding sought to be reviewed, or in related proceedings that preceded the original action being pursued in this court, must be listed.

(5) *No Additional Parties.* If there are no additional parties, entities, or attorneys in any of these categories, not previously reported to the court, a report to that effect also is required.

(6) *Obligation to Amend.* The certificate must be kept current.

(c) Oral Argument Statement. A statement regarding the need for oral argument must be included within the entry of appearance. *See* 10th Cir. BAP L.R. Appendix A, Form 3.

Local Rule 8005-1. Stay Pending Appeal

(a) Stay Pending Appeal. A motion for a stay or an injunction pending appeal must address all of the following:

- (1) the likelihood of success on appeal;
- (2) the threat of irreparable harm if the stay or injunction is not granted;
- (3) the absence of harm to opposing parties if the stay or injunction is granted; and
- (4) any risk of harm to the public interest.

(b) Appendix. Any motion for stay or injunction must be accompanied by an appendix containing a copy of any document filed in the bankruptcy court that is needed to decide the motion. If the motion is an emergency motion, the appendix must contain those documents set forth in 10th Cir. BAP L.R. 8011-2(c).

Local Rule 8006-1. Contents of the Record on Appeal

(a) Designation of the Record. Once the parties have designated the record on appeal pursuant to Fed R. Bankr. P. 8006, they need not provide a copy of the items designated to the clerk of the bankruptcy court. The record will be brought before the bankruptcy appellate panel in the appendices filed by the parties as required by 10th Cir. BAP L. R. 8009-1.

(b) Service of Copy of Designation of Record and Statement of Issues. Any party who files a designation of record or statement of issues with the bankruptcy court must serve a copy of the designation of record and statement of issues on the clerk of the bankruptcy appellate panel within 10 days after service of notice that the appeal has been docketed with this court pursuant to Fed. R. Bankr. P. 8007(b) and 10th Cir. BAP L.R. 8007-1(c).

(c) Transcripts.

(1) *Appellant.* Within 10 days after filing the notice of appeal, entry of an order granting leave to appeal, or entry of an order disposing of the last timely motion outstanding of a type specified in Fed. R. Bankr. P. 8002(b), whichever is later, the appellant must order from the court reporter the parts of the transcript that will be needed on appeal that are not already on file.

(2) *Appellee.* When the appellant orders less than the entire transcript, the appellee has 10 days after the appellant's service of its transcript order form to order any additional transcript from the court reporter.

(3) *Transcript Order Form.* To order transcripts as required under Fed. R. Bankr. P. 8006 and this rule, parties must use either the form provided at 10th Cir. BAP L.R. Appendix A, Form 4, or any transcript order form prescribed by the bankruptcy court.

(4) *Service.* A party must attach to the transcript order form a certificate of service showing that the form was served on all other parties at the time that the transcript was ordered.

(5) *Filing.* A copy of the transcript order form and the certificate of service must be filed with the clerk of the bankruptcy court at the time that the transcript is ordered. A copy of the transcript order form and certificate of service must be served on the clerk of the bankruptcy appellate panel within 10 days after service of notice that the appeal has been docketed with this court pursuant to Fed. R. Bankr. P. 8007(b) and 10th Cir. BAP L.R. 8007-1(c).

Local Rule 8007-1. Completion of the Transcript and Transmission of the Record

(a) Transmission of Preliminary Record. Promptly upon the filing of a notice of appeal, the clerk of the bankruptcy court must transmit to the clerk of the bankruptcy appellate panel copies of:

- (1) the bankruptcy court docket entries in the case or proceeding, or must cause the bankruptcy court docket sheet to be electronically transmitted if requested by the clerk of the bankruptcy appellate panel;
- (2) the notice of appeal;
- (3) any motion for extension of time to file the notice of appeal and the dispositive order on the motion;
- (4) the bankruptcy court's final judgment or order from which the appeal is taken, together with any pertinent written findings and conclusions or opinions of the court; and
- (5) all post-judgment motions to reconsider or which question the judgment (*see* Fed. R. Bankr. P. 8002(b)), together with any order disposing of them.

(b) Supplemental Record. The clerk of the bankruptcy court must supplement this preliminary record by transmitting to the clerk of the bankruptcy appellate panel copies of any subsequently filed post-judgment motions to reconsider or which question the judgment, and copies of orders disposing of those motions, together with copies of the related docket entries.

(c) Docketing the Appeal. The clerk of the bankruptcy appellate panel must forthwith docket the appeal and give notice to all parties as required by Fed. R. Bankr. P. 8007(b).

(d) Transmission of the Record. Transmission of the preliminary record and any supplement thereto constitutes transmission of the record on appeal pursuant to Fed. R. Bankr. P. 8007(b).

Local Rule 8008-1. Filing, Service, and Calculation of Time

(a) Filing. Filing may be accomplished by mail addressed to the clerk of the bankruptcy appellate panel, but filing is not timely unless the clerk receives the papers within the time fixed for filing. However, a brief or appendix is timely filed, if on or before the last day for filing, it is:

- (1) mailed to the clerk by first-class mail, or other class of mail that is at least as expeditious, postage prepaid; or
- (2) dispatched to a third-party commercial carrier for delivery to the clerk within 3 days.

(b) Manner of Service. Service may be personal, by mail, or by third-party commercial carrier for delivery within 3 calendar days. When reasonable considering such factors as the immediacy of the relief sought, distance, and cost, service on a party must be by a manner at least as expeditious as the manner used to file the paper with the court. Personal service includes delivery of the copy to a responsible person at the office of counsel. Service by mail or by commercial carrier is complete on mailing or delivery to the carrier.

(c) Copies. All papers filed with the clerk of the bankruptcy appellate panel must include an original and three copies unless otherwise required by these rules or ordered by the court.

(d) Electronic Filing. Any pleading may be filed electronically when authorized by the clerk of

the bankruptcy appellate panel or a judge of the court. Emergency motions and motions for extensions of time may be filed by facsimile transmission.

(e) Additional Copies. Parties may be required to provide additional copies of any papers filed.

(f) Calculation of Time. As used in Fed. R. Bankr. P. 9006(a) and in Fed. R. Bankr. P. 5001(c), “legal holiday” includes any other day appointed as a holiday by the state in which the office of the clerk of the bankruptcy appellate panel is located or the state of the district in which the matter originated.

Local Rule 8009-1. Excerpts of Record

(a) Appendix. Excerpts of the record sufficient for consideration and determination of the issues on appeal must be filed in accordance with Fed. R. Bankr. P. 8009(b). The court is under no obligation to remedy any failure of a party to fulfill this responsibility. The party filing excerpts of the record must file four copies bound separately from the briefs. Each copy must have a cover styled as described by Fed. R. App. P. 32(a).

(b) Form. Documents in the appendix should be reproduced on 8½ x 11", white, opaque, unglazed paper. Copies of documents need not be certified, but, whenever practicable, they should show the bankruptcy court's file stamp. Copies of documents filed in the bankruptcy court should be arranged in chronological order according to the filed date, and other documents, e.g., exhibits and transcript excerpts, should be included thereafter. The relevant bankruptcy court docket entries should always be the first document in the appendix. The appendix must be paginated and must include an index of the documents contained therein, with the page numbers at which they appear. The appendix must have a cover page containing the information specified in Fed. R. App. P. 32(a) and must be firmly bound along the left margin. Any metal fasteners or staples must be covered. Copies of documents under seal in the bankruptcy court should be included in an addendum to the appendix, under seal.

(c) Appendix Exemptions. If documents or items to be included in an appendix are not susceptible of copying, or if excerpts of the reporter's transcript essential to the appeal are so voluminous as to make copying excessively burdensome or costly, a party may file a motion to exempt the documents from the appendix and for leave to file them separately.

(d) Transcripts. Pursuant to Fed. R. Bankr. P. 8009(b)(9), the excerpts of record must include the transcripts necessary for review in light of the standard of review to be applied to the issues before the court. The court will consider only those portions of the transcript included in the excerpts of record. *See* 10th Cir. BAP L.R. 8006-1(c); 10th Cir. BAP L.R. Appendix A, Form 4.

Local Rule 8010-1. Briefs

(a) Form and Number of Briefs. Parties must file an original and three copies of their briefs. Briefs must conform to Fed. R. App. P. 32(a) and Fed. R. Bankr. P. 8010.

(b) Length of Briefs. Except by leave of the court, principal briefs must not exceed 50 pages, and reply briefs must not exceed 25 pages, exclusive of pages containing the table of contents, tables of citations, and any addendum containing statutes, rules, regulations, or similar material. Except by permission of the court, an amicus brief is limited to 20 pages.

(c) Text of Briefs. Text produced by word processor or typewriter must be no smaller than an 11-point font and, except for indented quoted material and footnotes, there must be no more than 26 lines of text per page.

(d) References to Appendix or Record. References in briefs to parts of an appendix must be to pages of the appendix (e.g., Aplt. App. at 27, or Aplee. Supp. App. at 14).

(e) Certification of Related Cases. The appellant must attach to the inside back cover of each copy of the opening brief a statement of all known related cases before the United States Supreme Court, any United States Court of Appeals, any United States District Court, or any Bankruptcy Appellate Panel. A related case is one that involves substantially the same litigants and that involves substantially the same factual pattern or legal issues. If there are no such known related cases, a statement to that effect must be attached.

(f) Motions for Extension of Time.

(1) Any motion for extension of time must state the date the brief is due, list any previous motions for extension of time, and must state the opposing party's position. In addition, the moving party must disclose facts establishing that, with due diligence, and giving priority to the preparation of the brief, it will not be possible to file the brief on time. All factual statements must be set forth with specificity. Generalities, such as an assertion that the purpose of the motion is not for delay, or that counsel is too busy, will not be sufficient. Further, any motion for an extension of time to file a brief on the ground that the transcript is unavailable must affirmatively show that the transcript was timely ordered and paid for or must state why the transcript was not so ordered.

(2) Grounds that may merit consideration are:

(a) *Engagement in Other Litigation.* The motion must identify such litigation by caption, number, and court, and set forth: (i) a description of action taken in the other litigation on a request for continuance or deferment; (ii) the reasons in full why other litigation should receive priority over the case in which the motion is filed; (iii) the reasons in full why other associated counsel cannot prepare the brief for timely filing or, in the alternative, relieve the movant's counsel of the other litigation claimed as a ground for extension; and (iv) any other relevant circumstances.

(b) *Complex Appeal.* The matter under appeal is so complex that an adequate brief cannot reasonably be prepared by the date the brief is due. Facts

demonstrating the complexity must be set forth in the motion.

(c) *Extreme Hardship*. Extreme hardship to counsel will result unless an extension is granted. The nature of the hardship must be set forth in detail in the motion.

(3) Motions for extension of time to file pleadings must be filed at least 5 days before the due date, unless it is shown by the motion that the facts which form the basis therefor did not exist earlier, were not known, or with due diligence could not have been known earlier to movant or counsel.

(g) Multiple Parties. In cases where multiple parties file separate briefs, separate appendices may be filed; however, to the fullest extent practicable, counsel should avoid duplication of items included in a previously filed appendix and may adopt such items by reference.

Local Rule 8010-2. Citation of Unpublished Opinions, Orders and Judgments

(a) Disposition as Precedent. Unpublished opinions, orders and judgments of this court have no precedential value and shall not be cited, except for purposes of establishing the doctrines of the law of the case, res judicata, or collateral estoppel.

Local Rule 8011-1. Motion Practice

(a) Motions. Any request for relief from operation of these or any other rules, not otherwise prescribed, must be by motion. All motions must contain a statement regarding whether the motion is opposed.

(b) Motions Panels. Preliminary motions may be ruled upon by a panel of the court designated to determine motions. Motions panels will not necessarily be comprised of the same judges as those designated to resolve the merits of the appeal.

(c) Summary Disposition. A party may file a motion to dismiss only on the ground that the appeal is not within the jurisdiction of the court; for summary disposition only because of a supervening change of law or mootness; or for remand for additional bankruptcy court proceedings.

(1) The opposing party will have 10 days from the date of service of the motion to respond;

(2) An original and three copies of the motion and any response must be filed, with proof of service on all other parties;

(3) Upon the filing of a response or the expiration of time for filing a response, the case will be submitted to the court for consideration; and

(4) Any motion for summary disposition filed before appellant's appendix is filed must be accompanied by an appendix containing a copy of any document filed in the

bankruptcy court that is needed to decide the motion.

(d) Certification of Questions of State Law. When the rules of the highest court of a state provide for certification by a federal court of questions arising under the laws of that state that may control the outcome of a case pending in the federal court, the court may certify such a question to the state court in accordance with the rules of that court, and may stay the case to await the state court's decision of the question certified. Certification may be raised upon motion of a party or upon the court's own motion. A separate motion for certification must be filed contemporaneously with the moving party's brief on the merits. A response to such a motion must be filed with the response brief.

(e) Hearing. There will be no oral argument on motions except as ordered by the court.

Local Rule 8011-2. Emergency Motions

(a) Emergency Motions. Emergency motions are permitted if the movant certifies that relief is needed on an emergency basis to avoid immediate, irreparable harm.

(b) Notice. Before filing an emergency motion, the movant must notify both the clerk of the bankruptcy appellate panel and opposing counsel. Emergency motions and responses must be filed with the clerk of the bankruptcy appellate panel and served on opposing counsel by the quickest method available. *See* 10th Cir. BAP L.R. 8008-1(d).

(c) Appendix. An appendix to the emergency motion must be served and filed with the motion and include the following:

- (1) A conformed copy of the notice of appeal;
- (2) A conformed copy of the judgment, order, or decree from which the appeal is taken;
- (3) If the motion is for a stay pending appeal, a copy or transcript of the bankruptcy court's order denying the stay; and
- (4) A copy of any other document filed in the bankruptcy court that is needed to decide the emergency motion.

(d) Stay Panels. If the clerk of the bankruptcy appellate panel is unable to assemble a panel of judges to determine an emergency motion and the circumstances so require, the clerk may transmit the emergency motion to a single judge of the court. Such judge will have the power to issue a temporary stay until the motion can be heard by a motions panel. To the extent practicable, a panel of the court that rules on an emergency motion for a stay will also be the panel of the court to decide the appeal on the merits.

Local Rule 8012-1. Time and Place of Hearings

(a) Submission on Briefs. Pending cases may be reviewed at any time before oral argument and submission to determine whether oral argument is needed. Cases may be reviewed on the court's own motion or on motion or stipulation of the parties.

(1) When the court on its own motion classifies a case for submission without oral argument, the clerk of the bankruptcy appellate panel will give notice in writing of such action. Any party has 10 days from service of the clerk's notice in which to file a statement setting forth reasons why oral argument should be conducted.

(2) Any party who desires to waive oral argument and to submit a case on the briefs may file a motion to do so as soon as the principal briefs have been filed. Any party opposing the motion must file an objection within 10 days from the date of service of the motion. Any motion to waive oral argument filed within 10 days of the scheduled oral argument date must show why the motion could not have been filed earlier. Any party prejudiced by the granting of a motion filed within 10 days of the scheduled date for oral argument may petition the court for recovery of expenses.

(b) Place of Hearings. It is the court's policy to designate the place of hearing for the convenience of the parties. Panels of the court cannot travel to every part of the circuit every month. Therefore, to expedite the time of hearing, parties may suggest to the clerk of the bankruptcy appellate panel an alternate place of hearing. Parties may request that oral argument be conducted telephonically or by video conference.

(c) Change of Time or Place of Hearings. Once the calendar is fixed, no change of the date or place assigned for hearing will be made except by order of the court for good cause. Only under exceptional circumstances will the court grant a request to vacate a setting made within 10 days of the date set. Any request for postponement of oral argument must be made by written motion with proof of service on all other counsel or parties. Any party prejudiced by the granting of a motion filed within 10 days of the scheduled date for oral argument may petition the court for recovery of expenses.

(d) Responsibilities of Counsel. Counsel for each party must be present for oral argument unless excused by the court for good cause.

(e) Joint Appeals. When two or more cases have been joined for briefing purposes, they will be treated as one case for oral argument unless the court otherwise orders.

(f) Multiple Counsel. More than one counsel may argue on the same side for parties with differing interests, with the time allowed apportioned between counsel in their own discretion. If the counsel are unable to agree, the court will allocate the time.

Local Rule 8015-1. Motion for Rehearing

(a) Successive Motions. The court will accept only one motion for rehearing from any party to the appeal and, regardless of the nature or substance of the motion, will not accept any further motion to reconsider.

Local Rule 8016-1. Clerk Authorized to Act on Certain Motions

(a) Applicable Motions. The clerk of the bankruptcy appellate panel is authorized, subject to review by the court, to act upon any of the following motions:

- (1) a motion for extension of time to file a pleading or perform an act required by these rules or Fed. R. Bankr. P. 8006, 8007, 8009, 8011 and 8014;
- (2) a motion to make corrections in a brief or pleading;
- (3) a motion to supplement or correct records or to incorporate records on prior appeals;
- (4) a motion to consolidate appeals;
- (5) a motion to substitute parties;
- (6) a motion to appear as amicus curiae;
- (7) a motion to expedite or continue cases;
- (8) a motion to withdraw, or for substitution of counsel;
- (9) a motion by appellant to dismiss an appeal, or a stipulation for dismissal, with or without specification of terms as to payment of costs (if an appeal is dismissed, the clerk may issue a certified copy of the order of dismissal as and for the mandate);
- (10) a motion pursuant to 10th Cir. BAP L.R. 8009-1(c); and
- (11) such other motions as the court may authorize.

Local Rule 8016-2. Orders

(a) Routine Procedural Orders. Routine procedural orders will be deemed entered upon the making of an appropriate docket entry by the clerk of the bankruptcy appellate panel, describing briefly and succinctly the nature of the order and the name of the judge directing its entry or, when entered pursuant to 10th Cir. BAP L.R. 8016-1, the name of the clerk.

Local Rule 8016-3. Issuance of Mandate; Stay of Mandate

(a) Date of Issuance. The mandate of the court must issue 7 days after the expiration of the time for filing a motion for rehearing unless such a motion is filed or the time is shortened or enlarged by order. A certified copy of the judgment and a copy of the opinion of the court, if any, and any direction as to costs shall constitute the mandate, unless the court directs that a formal mandate issue. The timely filing of a motion for rehearing will stay the mandate until disposition of the motion unless otherwise ordered by the court. If the motion is denied, the

mandate must issue 7 days after entry of the order denying the motion unless the time is shortened or enlarged by order.

(b) Stay of Mandate Pending Appeal. A party who files a motion requesting a stay of mandate pending appeal to the United States Court of Appeals for the Tenth Circuit must file, at the same time, proof of service on all other parties. The motion must show that the appeal presents a substantial question and that there is good cause for a stay. The stay cannot exceed 30 days unless the period is extended for cause shown or unless a notice of appeal is filed during the period of the stay, in which case the stay will continue until final disposition by the Court of Appeals. The clerk of the bankruptcy appellate panel must issue the mandate immediately when a copy of an order of the Court of Appeals is entered disposing of the appeal. The court may require a bond or other security as a condition to the grant or continuance of a stay of the mandate.

Local Rule 8018-1. Applicable Rules

(a) Authority. These rules are promulgated under the authority of Fed. R. Bankr. P. 8018 and the Judicial Council of the Tenth Circuit's Resolution dated September 25, 1995, entitled Resolution of the Council Approving Bankruptcy Appellate Panels.

(b) Citation. These rules will be known as the United States Bankruptcy Appellate Panel of the Tenth Circuit Local Rules, and cited as: 10th Cir. BAP L.R. ____.

(c) Effective Date. These rules are effective March 16, 1998.

(d) Application of Federal Rules of Bankruptcy Procedure. Part VIII of the Federal Rules of Bankruptcy Procedure and Official Forms (Rule 8001), *et seq.*, apply to proceedings in this court unless suspended as allowed by Fed. R. Bankr. P. 8019.

(e) Application of Federal Rules of Appellate Procedure. In cases where Part VIII of the Fed. R. Bankr. P. and the 10th Cir. BAP L.R. are silent as to a particular manner of practice, the court may order application of the Rules of the United States Court of Appeals for the Tenth Circuit or the Federal Rules of Appellate Procedure.

Local Rule 8018-2. Location

(a) Office. The principal office of the clerk of the bankruptcy appellate panel is the Byron White United States Courthouse, 1823 Stout Street, Denver, Colorado 80257.

(b) Filing. All communications to and filings with the court must be addressed to the clerk.

(c) Telephone and Facsimile Transmission Numbers. The clerk's office telephone number is (303) 335-2900. Facsimile transmissions may be made to (303) 335-2999.

Local Rule 8018-3. Bar of the Bankruptcy Appellate Panel

(a) Admission. Any attorney admitted to practice before a United States District Court within the Tenth Circuit or the United States Court of Appeals for the Tenth Circuit, or admitted by a United States Bankruptcy Court for the purpose of the particular case or proceeding before the court, and who is in good standing before such court, is deemed admitted to practice before the court.

(b) Discipline. Any judge of the court has the authority to discipline attorneys and parties as provided in the Bankruptcy Code and the Fed. R. Bankr. P. Any panel or judge of the court may refer a disciplinary matter to the appropriate court.

Local Rule 8018-4. Diligent Prosecution of Appeals

(a) Duties of Counsel. It is the duty of counsel representing an appellant, and of pro se litigants, to see that the appeal is perfected in the manner and within the times prescribed in these rules, and prosecuted with diligence. Changes in the address of counsel, clients, or pro se litigants must be immediately reported to the clerk of the bankruptcy appellate panel and opposing parties in writing.

(b) Dismissal for Failure to Prosecute. When an appellant fails to comply with rules requiring processing the appeal to hearing, after notice and upon order to show cause issued by the clerk of the bankruptcy appellate panel, the clerk may enter an order dismissing the appeal.

(c) Failure to Pay Fee. Failure to pay the required fees is ground for immediate dismissal of the appeal.

Local Rule 8018-5. Courtroom Photography

(a) Video, Audio, or Teleconferencing. At the option of the court, a proceeding may be conducted by video or teleconference.

(b) Television and Radio Broadcasts. For the purposes of the resolution of September 1994 of the Judicial Conference of the United States, which prohibits the taking of photographs in the courtroom or its environs in connection with any judicial proceedings, the environs of the courtroom of the bankruptcy appellate panel include the courtrooms utilized by the bankruptcy appellate panel as well as the clerk of the bankruptcy appellate panel's office and any hallways in

the immediate vicinity of such courtrooms and offices. The use of radio, television, or other means for live or delayed broadcasting is forbidden within areas from which photography is excluded.

Local Rule 8018-6. Local Rules of the Bankruptcy Appellate Panel

(a) Local Rules Committee. The court shall maintain a standing Local Rules Committee consisting of the Chief Judge of the court, two judges of the court, and a bankruptcy practitioner. The clerk of the bankruptcy appellate panel, the deputy circuit executive, and a bankruptcy clerk shall serve as ex officio members.

10TH CIR. BAP L.R. APPENDIX A

Form 1

Local Rule 8001-1(a). Notice of Appeal.

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF _____**

In re A.B.C. Corp.,

Debtor.

:
: Bankruptcy No. _____
: Chapter _____
:

NOTICE OF APPEAL

:
:
:

(If the appeal is from an order or judgment entered in an adversary proceeding, the caption should conform to Official Bankruptcy Forms 16C or 16D, as appropriate.)

_____, the plaintiff [or defendant or other party] appeals under 28 U.S.C. § 158(a) or (b) from the judgment, order, or decree of the bankruptcy court (describe) entered in this adversary proceeding [or other proceeding, describe type] on the ____ day of _____, 19____. A copy of the order being appealed is attached.

The names of all parties to the judgment, order, or decree appealed from and the names, addresses, and telephone numbers of their respective attorneys are as follows:

Dated: _____

Signed: _____
Attorney for Appellant (or Appellant, if not represented by an Attorney)

Please print or type:

Attorney Name: _____

Address: _____

Telephone No.: _____

If a Bankruptcy Appellate Panel is authorized to hear this appeal, each party has a right to have the appeal heard by the district court. The appellant may exercise this right only by filing a separate statement of election at the time of the filing of this notice of appeal. See 28 U.S.C. § 158(c); Fed. R. Bankr. P. 8001(e); 10th Cir. BAP L.R. 8001-1(d) and Appendix A, Form 2. Any other party may elect, within the time provided in 28 U.S.C. § 158(c) and 10th Cir. BAP L.R. 8001-1(d), to have the appeal heard by the district court.

Form 2

Local Rule 8001-1(e). Election to have Appeal Heard in District Court.

UNITED STATES BANKRUPTCY COURT
_____ DISTRICT OF _____

(Appellant should file this form with the Bankruptcy Court with the notice of appeal. See 10th Cir. BAP L.R. 8001-1(d).)

or

UNITED STATES BANKRUPTCY APPELLATE PANEL
OF THE TENTH CIRCUIT

(Appellee should file this form with the Bankruptcy Appellate Panel. See 10th Cir. BAP L.R. 8001-1(d).)

In re A.B.C. Corp.,	:	Bankruptcy No. _____
	:	Chapter _____
Debtor.	:	
	:	
	:	
	:	ELECTION TO
	:	HAVE BANKRUPTCY
	:	APPEAL HEARD IN
	:	THE UNITED STATES
	:	DISTRICT COURT
_____	:	

(If the appeal is from an order or judgment entered in an adversary proceeding, the caption should conform to Official Bankruptcy Forms 16C or 16D, as appropriate.)

Notice is hereby given that _____ (appellant/appellee), _____
_____ (plaintiff/defendant/debtor/creditor/trustee) in the above named case, hereby elects pursuant
to 28 U.S.C. § 158(c)(1) to have this appeal heard by the United States District Court for the _____ District of
_____.

(s) _____
Name (Type or Print): _____
Address: _____

Telephone: _____
Attorney for _____

*(This form MUST be accompanied with a certificate of service.
See Fed. R. Bankr. P. 8008(b), (d); 10th Cir. BAP L.R. 8001-(d).)*

Form 3

Local Rule 8001-2(a), (b), and (c). Entry of Appearance, Certificate of Interested Parties, and Oral Argument Statement.

**UNITED STATES BANKRUPTCY APPELLATE PANEL
OF THE TENTH CIRCUIT**

In re A.B.C. Corp.,
Debtor.

Bankruptcy No. _____
Chapter _____

**ENTRY OF APPEARANCE,
CERTIFICATE OF
INTERESTED PARTIES,
AND
ORAL ARGUMENT STATEMENT**

(If the appeal is from an order or judgment entered in an adversary proceeding, the caption should conform to Official Bankruptcy Forms 16C or 16D, as appropriate.)

(EACH COUNSEL FOR A PARTY, OR A PRO SE PARTY, MUST EXECUTE AND FILE THIS FORM WITH THE COURT. A CERTIFICATE OF SERVICE SHOWING THAT THIS FORM HAS BEEN SERVED ON ALL PARTIES MUST BE ATTACHED TO THE FORM. See Fed. R. Bankr. P. 8008(b), (d).)

I. ENTRY OF APPEARANCE

In accordance with 10th Cir. BAP L.R. 8001-2(a), the undersigned hereby appear(s): *(Check one)*

_____ as counsel for _____ *(names of party or parties).*

_____ on my own behalf.

(Attorneys only) I also certify: *(Check one)*

_____ That I am admitted to practice before a United States District Court within the Tenth Circuit or the United States Court of Appeals for the Tenth Circuit, or have been admitted for the purpose of this particular case by the United States Bankruptcy Court; or

_____ I am not so admitted, but certify that I am generally qualified to practice before the United States Bankruptcy Appellate Panel and that I will immediately move for admission to the bar of the United States Court of Appeals for the Tenth Circuit.

II. CERTIFICATE OF INTERESTED PARTIES

The following are the names of all persons, associations of persons, firms, partnerships, corporations, guarantors, insurers, affiliates, or other legal entities that are financially interested in the outcome of the litigation. Also included are the names of attorneys not entering an appearance in this court who have appeared for any party in the bankruptcy court case or proceeding sought to be reviewed, or in related proceedings that preceded the original action

being pursued in this court. *See* 10th Cir. BAP L.R. 8001-2(b):

(Attach additional pages if necessary)

This certificate must be kept current.

III. ORAL ARGUMENT STATEMENT

Is oral argument requested? ___ Yes ___ No

Dated: _____

	(s)	_____
Name (Type or Print):		_____
Address:		_____

Telephone:		_____
Attorney for		_____

Form 4

Local Rule 8006-1(c). Transcripts.

TRANSCRIPT ORDER FORM

PART I - To be completed by appellant within ten days of filing the notice of appeal.

Short Title: _____

Bankruptcy Court Number: _____

Adversary Proceeding Number: _____

BAP Number: _____

Name of Attorney: _____

Name of Law Firm: _____

Address of Firm: _____

Telephone of Firm: _____ Attorneys for: _____

Name of Court Reporter: _____ Telephone of Reporter: _____

PART II - COMPLETE SECTION A OR SECTION B

SECTION A - I HAVE NOT ORDERED A TRANSCRIPT BECAUSE:

- ☐ A transcript is not necessary for this appeal, or
- ☐ The necessary transcript is already on file in Bankruptcy Court, or
- ☐ The necessary transcript was ordered previously in appeal number _____.

SECTION B - I HEREBY ORDER THE FOLLOWING TRANSCRIPT:

(Specify the date and proceeding in the space below)

- ☐ Opening Statements: _____;
- ☐ Trial proceedings: _____;
- ☐ Closing Arguments: _____;
- ☐ Other Proceedings: _____.

(Attach additional pages if necessary)

- ☐ **(Appellant/Appellee) will pay the cost of the transcript.**

My signature on this form constitutes my agreement to pay for the transcript ordered on this form.

(s) _____

CERTIFICATE OF COMPLIANCE

I certify that I have read the instructions on this form and that copies of this transcript order form have been delivered to the court reporter (if transcript ordered) and served on the parties to this appeal as shown on the attached certificate of service. A copy of this transcript order form has also been filed with the clerk of the United States Bankruptcy Court and has been or will be served on the clerk of the United State Bankruptcy Appellate Panel as required under Fed. R. Bankr. P. 8006 and 10th Cir. BAP L.R. 8006-1(c). I further certify that satisfactory arrangements for payment for any transcript ordered have been made with the court reporter(s).

Dated: _____

(s)
Name (Type or Print): _____
Address: _____
Telephone: _____
Attorney for _____

PART III - TO BE COMPLETED BY THE COURT REPORTER

Upon completion, please file one copy with the Clerk of the United States Bankruptcy Court.

Date Order Form Received: _____
Date arrangements for payment completed: _____
Estimated completion date: _____
Estimated number of pages: _____

I certify that I have read the instructions on the reverse side and that adequate arrangements for payment have been made.

Signature of Court Reporter: _____ Date: _____

DIRECTIONS FOR USING THIS FORM

This form requires multiple distribution, service and filing. The responsibilities of each party and the court reporter are described below.

1. APPELLANT

Whether or not a transcript is ordered, appellant or counsel must complete Part I and Part II of this form. Upon completion, appellant must, within the time periods set forth in Fed. R. Bankr. P. 8006 and 10th Cir. BAP L.R. 8006-1(c):

- a. deliver a copy of this form and a certificate of service to the court reporter (if a transcript is ordered),
- b. file a copy of this form and a certificate of service with the clerk of the Bankruptcy Court, and
- c. serve a copy of this form and a certificate of service on all parties and the clerk of the Bankruptcy Appellate Panel.

If a transcript is ordered, the appellant must obtain execution of this form by the court reporter(s) who recorded the

proceedings. Within the 10-day period allowed for ordering the transcript, appellant must make adequate arrangements for payment for the transcript. **The Court Reporter may require a deposit equal to the full estimated cost of the transcript.**

Those portions of the transcripts that are filed that are pertinent to the appeal must be included in appellant's appendix. *See* Fed. R. Bankr. P. 8009(b)(9); 10th Cir. BAP L.R. 8009-1.

This form MUST be accompanied by a certificate of service. *See* Fed. R. Bankr. P. 8008(b), (d); 10th Cir. BAP L.R. 8006-1(c).

2. APPELLEE

Unless the entire transcript is ordered, appellee may, within 10 days of service by the appellant of a transcript order form or a written statement that a transcript is not necessary, use this form to order additional transcript from the court reporter. If a transcript is ordered, appellee or its counsel must complete Part I and Section B of Part II of this form. Upon completion, appellee must, within the time periods set forth in Fed. R. Bankr. P. 8006 and 10th Cir. BAP L.R. 8006-1(c):

- a. deliver a copy of this form and a certificate of service to the court reporter (if a transcript is ordered),
- b. file a copy of this form and a certificate of service with the clerk of the Bankruptcy Court, and
- c. serve a copy of this form and a certificate of service on all parties and the clerk of the Bankruptcy Appellate Panel.

If a transcript is ordered, the appellee must obtain execution of this form by the court reporter(s) who recorded the proceedings. Within the 10-day period allowed for ordering the transcript, appellee must make adequate arrangements for payment for the transcript. **The Court Reporter may require a deposit equal to the full estimated cost of the transcript.**

Those portions of the transcripts that are filed that are pertinent to the appeal must be included in appellee's appendix. *See* Fed. R. Bankr. P. 8009(b)(9); 10th Cir. BAP L.R. 8009-1.

This form MUST be accompanied by a certificate of service. *See* Fed. R. Bankr. P. 8008(b), (d); 10th Cir. BAP L.R. 8006-1(c).

3. COURT REPORTER

After receipt of this form and **after satisfactory financial arrangements have been made**, the court reporter must certify the date the transcript was ordered and estimate the date it will be completed. The completed form must be served on the clerk of the Bankruptcy Court.